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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,859	09/18/2003	Robert T. Melville	212/518	5764
23371	7590	02/23/2004	EXAMINER	
CROCKETT & CROCKETT 24012 CALLE DE LA PLATA SUITE 400 LAGUNA HILLS, CA 92653			PARSLEY, DAVID J	
		ART UNIT	PAPER NUMBER	
		3643		

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,859	MELVILLE, ROBERT T.
	<b>Examiner</b>	<b>Art Unit</b>
	David J Parsley	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **Detailed Action**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: on line 6 of page 7 "ends" should be - -end- -. On line 10 insert - -to- - after "adapted". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how the first and second fishing rod holders are in relation to one another.

Claim 1 recites the limitation "the handle" in line 13 of page 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to whether the line of the first fishing pole in line 19 of page 7 is the same or a different line from the “first line” in line 23 of page 7. Further it is unclear to whether the line of the second fishing pole in line 21 of page 7 is the same or a different line from the “second line” in lines 24-25 of page 7.

Claim 2 recites the limitation “the second pole line” in line 25 of page 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

3,802,112 to Banner. Banner discloses a dual fishing rod holder comprising, a mounting post – at 1, adapted for insertion into a receiver installed on a boat – proximate 2, a first fishing rod holder – at 6-9, having a proximal end and a distal end, the first fishing rod holder being secured at its proximal end to the mounting post and extending rearwardly from the mounting post – via items 17 and 21, and at least one fastener – at 23, at the distal end of the rod holder, wherein the fastener is adapted to secure a first fishing rod – at 19, and a second fishing rod holder – at 6-9 –

see figure 9, disposed at an angle relative to the first fishing rod holder, the second fishing rod holder adapted to securely receive the handle of a second fishing rod – at 19, and hold the second fishing rod at a substantial angle relative to the first fishing rod – see for example figures 1-9.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,388,774 to Thoemke. Thoemke discloses a method of securing at least two fishing poles to a single support structure, the method comprising the steps of securing a first fishing pole – at 14, comprising a rod, reel and line to a first substantially aft pointing rod holder – at 32-36, and releasably securing a second fishing pole – at 10, comprising a rod, reel and line to a second substantially upwardly pointing rod holder – at 86, setting a first line from the first fishing pole at a first distance from the support structure and setting a second line from the second pole line a second distance greater than the first distance from the support structure – see for example figure 1.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to rod holders in general:

U.S. Pat. No. 4,157,803 to Mack – shows rod holder attached to boat

U.S. Pat. No. 4,248,002 to McElllis – shows rod holder on boat

U.S. Pat. No. 4,485,579 to Hawie – shows multiple rod holder on gunwale

U.S. Pat. No. 4,527,349 to Emory – shows rod holder on boat

U.S. Pat. No. 4,650,146 to Duke – shows multiple rod holder

U.S. Pat. No. 4,793,086 to Cup – shows multiple rod holder on boat

U.S. Pat. No. 4,836,127 to Wille – shows rod holder on boat

U.S. Pat. No. 4,823,723 to Brooks – shows multiple rod holder on boat

U.S. Pat. No. 4,869,195 to Eichfeld – shows rod holder on boat

U.S. Pat. No. 4,876,980 to Bell – shows rod holder on gunwale

U.S. Pat. No. 4,901,469 to Murray – shows multiple rod holder on boat

U.S. Pat. No. 4,916,847 to Rusgo – shows rod holder on boat

U.S. Pat. No. 4,964,233 to Benson – shows multiple rod holder

U.S. Pat. No. 5,301,451 to VanAssche – shows rod holder on boat

U.S. Pat. No. 5,435,093 to Minorics – shows multiple rod holder on boat

U.S. Pat. No. 5,438,789 to Emory – shows multiple rod holder

U.S. Pat. No. 5,461,817 to Flood – shows rod holder on boat

U.S. Pat. No. 5,673,507 to Stokes – shows multiple rod holder on gunwale

U.S. Pat. No. 5,987,803 to White – shows multiple rod holder on gunwale

U.S. Pat. No. 6,052,937 to Morong – shows multiple rod holder on boat

U.S. Pat. No. 6,289,627 to Gibbs – shows multiple rod holder on boat

U.S. Pat. No. 6,446,379 to James – shows multiple rod holder

U.S. Pat. No. 6,490,823 to Ibarra – shows multiple rod holder

U.S. Pat. No. 6,505,431 to Christian – shows multiple rod holder on boat

JP Pat. No. 5-153890 – shows multiple rod holder on boat

5. Any inquiry concerning this communication from the examiner should be directed to David Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574.



Peter M. Poon  
Supervisory Patent Examiner  
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